

5 Statutory and Non Statutory Consultations

Economic Development - Commercial and Housing

No objections

Development Engineer - Highways

The Highway Authority has no adverse comment on this application. However there may be a problem with regard to the Planning Authorities Parking standards and any amenity problem that may occur. The parking appears not to be allocated, so unless we ask for an analysis of what parking is required/allocated to each of the units it is difficult to say there is not enough for this use.

Practically there appears to be one large unit 48 and 5 small units. Looking at floor area I would suggest that there is the equivalent of 12 small units therefor for a total of 37 spaces that is 3 spaces per unit. It would appear from their supporting statement that they need in excess of this number to operate but it depends on the number of vacant spaces that are available at any one time.

It is a matter for the Planning Authority to decide if there is an "amenity" reason for refusal.

Environmental Health Manager, Community Group

Initial comments:

I have read through the documentation provided with this application and have visited the premises being applied for. It is now confirmed that this premises will require an Animal Boarding Establishment licence, which licence will be fully conditioned in terms of accommodation requirements necessary for dog day care, should Planning approval be granted. Therefore should the Planning Authority be of a mind to approve this application, I would ask relevant conditions be added to any final decision.

Updated comments following submission of marketing information:

Work has been carried out to the area around the roller shutter door with decking of the 'drop gap' in the loading bay area, and encasing the shutter door; there are also plans to install a Judas gate in the roller shutter door to assist as a fire escape. Air-con has been installed, and some other internal changes have been made. There is now potential to have 10 dogs housed on site during the day.

Until planning approval is given, the premises cannot be licensed as a boarding establishment.

There have no further complaints about the premises since April 2016 this year. The following conditions should apply:

Condition 1: be amended to 10 dogs maximum to be day boarded

Condition 2: That the business be operated in such a way so as to ensure that no noise and / or odour nuisance is caused to neighbouring premises, be they industrial, commercial or residential.

Condition 3: That no dogs or any other animals are boarded overnight, in these

premises.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 29

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of objection was received from one address raising the following concerns:

- 6.1 Level of the noise of barking dogs in the premises.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Loss of a Class B unit
- (ii) Effect on neighbouring properties
- (iii) Parking provision

- (i) Principle of development

- 7.2 The site is located in an urban area whereby development is acceptable in principle subject to other materials considerations. For this application the consideration would be the impact of the loss of a Class B1 unit which the loss of is protected by Policy DM3 of the Local Plan (Core Strategy). Also the potential impact of the use in terms of impact on the nearby amenity of other businesses.

- (ii) Loss of a Class B unit

- 7.3 Policy DM3 seeks to protect Class B employment use in the Borough. If an application is made to change the use from Class B, the policy requires the applicant to provide evidence that the property has been marketed to prove that it is no longer viable for Class B use. The evidence required for this includes:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
- ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- iv) A copy of all advertisements in the local press and trade journals (should be at least

- four weeks' worth of advertisements, spread across a six month period).
- vi) Evidence of marketing via the internet.

This evidence was not submitted with the application as originally submitted in October 2015. The application was then made subsequently invalid until such information had been provided. Normally, the policy requires that 12 months work of marketing evidence is provided however, in this case, Planning Policy advised that a lesser time of 3 months would be acceptable. The relevant marketing information was submitted in October 2016 and the application was then made valid again. The information provided meets the requirements of Policy DM3 and it is therefore considered that the unit is no longer viable for Class B use. The current occupant is a dog daycare and training facility which although not Class B, is another economic use of the site, providing a service to the local community and employment opportunities.

(ii) Effect on neighbouring properties

- 7.4 By nature of the proposed use, the business would result in clients arriving at the unit either on foot or by car, dropping off and collecting dogs. The immediate neighbours to the site are other industrial units, operating similar hours. Given that the permitted use of the site is for use class B1, a degree of noise emissions is considered reasonable. Environmental Health have been consulted and have advised that previously noise complaints were received in terms of dogs barking. The reason this could be heard was that the roller shutter door was left partially open for ventilation purposes. However, work has now taken place which includes a stud wall being built in front of the roller shutter door which includes a window and door within it.

(iii) Parking provision

- 7.4 There is a parking area located on the industrial estate close to the planning application unit which has been used by the clients and staff using the dog training facility. As the business has been in operation for over 18 months now and no specific issues have been raised with regards to parking problems, it would appear that the parking provision for the use is acceptable. The number of dogs can be limited by condition which would restrict the potential increase in car parking on the adjacent parking area.

8 Conclusion

Overall it is considered that the unit is not longer required for Class B use and it has thus been proven that an alternative viable business can operate from the unit. With the relevant alterations having been made, the unit is now suitable in terms of limiting noise emissions and is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00778 subject to the following conditions:

- 1 The maximum number of dogs to be accommodated at the premises at any one time, be restricted to 10 (ten) only.

Reason: There is insufficient area available to board more than this number and having due regards for Policy DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework 2012.

- 2 No dogs or any other animals are to be boarded overnight in these premises.

Reason: No facilities currently exist that would allow for this service to be offered and having due regard for Policy DM10 of the Local Plan 2011 and the National Planning Policy Framework 2012. .

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan 01

Parking plan 02

Ground floor plan 04

Details of business operation

Photo of works carried out dated 14/3/17

Reason: - To ensure provision of a satisfactory development.

- 4 That the business be operated in such a way so as to ensure that no noise and / or odour nuisance is caused to neighbouring premises, be they industrial, commercial or residential.

Reason: To prevent nuisance to neighbouring occupants and / or residents and having due regard for Policy DM10 of the Local Plan 2011 and the National Planning Policy Framework 2012.